

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 559 Occupational Licensure of Military Spouses

SPONSOR(S): Hunschofsky and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 562

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Thompson	Anstead
2) Professions & Public Health Subcommittee			
3) Appropriations Committee			
4) Commerce Committee			

SUMMARY ANALYSIS

To help military families ease their transition into Florida, many licensing agencies in Florida have a special licensing process for spouses and surviving spouses of United States military members.

The Department of Business and Professional Regulation (DBPR) provides certain licensure applicants who are a spouse or surviving spouse of an active duty member of the U.S. Armed Forces with licensing fee waivers and other licensing benefits.

The Department of Health (DOH) offers expedited licensure to applicants who are a spouse or surviving spouse of a person serving on active duty with the U.S. Armed Forces. DOH provides these services through the Florida Veterans Application for Licensure Online Response (VALOR) system. Such spouses are authorized to receive a temporary license to practice certain health care professions in Florida. In addition, the application fee, licensure fee, and unlicensed activity fee are waived for such applicants.

The bill requires DBPR and DOH or the applicable board or program to:

- Expedite applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
- Issue a temporary professional license valid for the duration of the application review process.

The bill revises the DOH temporary professional licensure requirements for military spouses who hold a license to practice in another state as follows:

- Requires the immediate issuance of a full professional license, instead of a temporary license, to such applicants that submit certain information with their application.
- Requires DOH to waive the \$65 application fee for such licenses.
- Removes the 12-month timeframe for such licenses.
- Specifies that such applicants are still required to follow license renewal requirements.

The bill appears to have an insignificant fiscal impact on state government and no fiscal impact on local governments.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of Business and Professional Regulation

Professional Licensure

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professions in Florida.¹

DBPR has authority over the following professional boards and programs:

- Board of Architecture and Interior Design;
- Board of Auctioneers;
- Barbers' Board;
- Building Code Administrators and Inspectors Board;
- Construction Industry Licensing Board;
- Board of Cosmetology;
- Electrical Contractors' Licensing Board;
- Board of Employee Leasing Companies;
- Board of Landscape Architecture;
- Board of Pilot Commissioners;
- Board of Professional Geologists;
- Board of Veterinary Medicine;
- Home inspection services licensing program;
- Mold-related services licensing program;
- Florida Board of Professional Engineers;
- Board of Accountancy;
- Florida Real Estate Commission; and
- Florida Real Estate Appraisal Board.²

Each profession is regulated by an individual practice act and by ch. 455, F.S., which provides general regulatory and licensure authority. Generally, to act as a regulated professional, a person must hold an appropriate license. Applicants for licensure for each profession must meet specific statutory requirements, including education and/or experience requirements, and must pay all applicable licensing and application fees.³ Licensees who wish to renew their license must pay a license renewal fee⁴ and may be subject to continuing education requirements⁵ and other conditions in the various practice acts.

Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are a spouse or surviving spouse of active duty members of the U.S. Armed Forces.⁶ To be eligible for such licensure, the spouse must provide the following to the department:⁷

¹ S. 20.165, F.S.

² S. 20.165(1)-(4), F.S.

³ S. 455.201, F.S.

⁴ S. 455.203, F.S.

⁵ S. 455.2123, F.S.

⁶ According the Florida Department of Military Affairs most recent data, there are 149,076 active duty members of the U.S. Armed Forces and 32,151 spouses of such members residing in the state of Florida. Email from Mark Oglesby, Director of Legislative Affairs, Department of Military Affairs, Re: [URL Verdict: Neutral][Non-DoD Source] RE: Active Duty military, (Jan. 6, 2022).

⁷ S. 455.02(3)(a), F.S.

- Proof that the applicant is or was married to a member of the U.S. Armed Forces serving on active duty.
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- Proof that the applicant, where required by the specific practice act, has complied with insurance or bonding requirements.
- A complete set of the applicant's fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check.⁸

An active duty U.S. Armed Forces member's spouse or surviving spouse who holds a DBPR license will have their license kept in good standing if the licensee is absent from the state related to the member's active duty service.⁹

The initial license application fee is waived if the applicant is:

- the spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty; or
- the surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty.¹⁰

The license renewal fee is waived if the applicant is:

- the spouse of an active duty U.S. Armed Forces member who is present in this state because of such member's active duty; or
- a surviving spouse of a member of the U.S. Armed Forces, if such member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

However, such applicants who receive a license are authorized to renew such license upon completion of the conditions for renewal required of licenseholders under the applicable practice act, including, without limitation, continuing education requirements. This does not limit the waiver of initial licensure requirements.¹¹

Department of Health

Licensure of Health Care Practitioners

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners in Florida.¹² The MQA works in conjunction with 22 boards and four councils to license and regulate ten types of health care facilities and more than 200 licenses in over 40 health care professions.¹³ Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

⁸ S. 455.02(3)(a)4.b., F.S., requires FDLE to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department must, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04, F.S., and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

⁹ S. 455.02(2), F.S.

¹⁰ S. 455.219(7)(a), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

¹¹ S. 455.02(3)(c), F.S.

¹² Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dietitians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

¹³ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2020-2021*, <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1617.pdf> (last visited Jan. 3, 2022).

Military Spouse Licensure

Florida offers expedited licensing and fee waivers to the spouse of a person serving on active duty¹⁴ with the U.S. Armed Forces¹⁵ who holds an active license to practice a health care profession in another state or jurisdiction.¹⁶ To qualify for the expedited licensure and fee waivers, the spouse must:¹⁷

- Submit a complete application;
- Submit evidence of training or experience substantially equivalent to the requirements for licensure in this state for that health care profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state;
- Attest that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying;
- Have actively practiced the profession for which he or she is applying for the 3 years preceding the date of submitting the application; and
- Submit a set of fingerprints for a background screening, if required for the profession for which he or she is applying, and does not have any disqualifying offenses.

DOH is required to develop an application form,¹⁸ and each board, or the department if there is no board, is required to waive the application fee, licensure fee, and unlicensed activity fee for such applicants.¹⁹

Military Spouse Temporary Licensure

Each board, or the department if there is no board, is also authorized to issue temporary licenses to the spouse of a member of the U.S. Armed Forces to practice his or her health care profession in Florida.²⁰ A temporary license is valid for one year and is not renewable.²¹ To be eligible for a temporary license, a military spouse must:²²

- Submit a completed application and application fee of \$65;²³
- Provide proof that he or she is married to a member of the U.S. Armed Forces serving on active duty in this state pursuant to official military orders;
- Provide proof of a valid license from another state or jurisdiction to practice the health profession for which he or she is applying and that such license is not subject to any disciplinary proceeding;
- Provide proof that he or she would otherwise be entitled to full licensure and is eligible to take the respective licensure examination as required in this state; and
- Pass a criminal background screening.

DOH offers the Florida Veterans Application for Licensure Online Response System (VALOR), which provides expedited licensing for honorably discharged veterans and their spouses seeking licensure in

¹⁴ Full-time duty in the active military service of the United States. 10 U.S.C. § 101(d)(1).

¹⁵ Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).

¹⁶ S. 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.

¹⁷ S. 456.024(3)(b), F.S.

¹⁸ R. 64B-9.003, F.A.C.

¹⁹ S. 456.024(3)(a), F.S.

²⁰ S. 456.024(4), F.S.

²¹ S. 456.024(4)(f), F.S.

²² S. 456.024(4)(a)-(d), F.S.

²³ R. 64B-4.007, F.A.C.

all health care professions.²⁴ Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees.²⁵

Since its inception in 2016, there have been approximately 1,669 health care licensure applications submitted by and approved for active duty service members, military veterans, and their spouses through the VALOR expedited licensing process. There were 352 applications approved for health care licensure of military spouses and honorably discharged veterans from July 1, 2020 through June 30, 2021, approximately 1.38% of all licenses issued by the Department during the last fiscal year.²⁶

Effect of Proposed Changes

Department of Business and Professional Regulation

The bill requires DBPR or the applicable board or program to provide the following:

- Expedite all applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
- Issue a temporary professional license that is valid for the duration of the application review process to such spouse once the department, board, or program verifies that the information provided by the spouse is accurate.

Department of Health

The bill revises the DOH temporary license requirements for spouses of active duty members of the U.S. Armed Forces as follows:

- Requires the issuance of a full professional license, instead of allowing the issuance of a temporary license, to such applicants who fulfill the proper submission requirements.
- Requires DOH to waive the \$65 application fee for such licensure.
- Removes the 12-month timeframe for such licensure.
- Requires such applicants to complete conditions for renewal required of all other licenseholders, including, without limitation, continuing education requirements.
- Requires the board, or the department if there is no board, to:
 - Expedite all applications submitted by a spouse of an active duty member of the U.S. Armed Forces; and
 - Issue a temporary professional license that is valid for the duration of the application review process to such spouse once the board or department verifies that the information provided by the spouse is accurate.

B. SECTION DIRECTORY:

Section 1: amends s. 455.02, F.S., requiring DBPR or the applicable board or program to expedite professional license applications submitted by spouses of active duty members of the U.S. Armed Forces; requiring DBPR to issue temporary professional licenses under certain circumstances.

Section 2: amends s. 456.024, F.S., requiring DOH or the applicable board to issue a professional license to spouses of active duty members of the U.S. Armed Forces if certain requirements are met; requiring DOH to waive the application fee for such license applications; authorizing applicants issued such licenses to renew their licenses if certain requirements are met; providing construction; requiring DOH or the applicable board to expedite applications for such licenses; requiring DOH or the applicable board to issue a

²⁴ DOH operates the Veterans Application for Licensure Online Response System (VALOR) to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in another state. See <http://www.flhealthsource.gov/valor> (last visited Jan. 4, 2021).

²⁵ Florida Department of Health, Agency Analysis of 2022 HB 559, p. 2 (12/14/2021).

²⁶ *Id.*

temporary professional license under certain circumstances; conforming provisions to changes made by the act.

Section 3: provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Department of Business and Professional Regulation

None.

Department of Health

Insignificant. According to DOH:²⁷

The Division of Medical Quality Assurance will experience a recurring loss of revenue due to the provisions of this bill. From July 1, 2020 through June 30, 2021, 352 applications were approved for health care licensure of military spouses, this includes approximately 1.38% of all licenses issued by the Department during the last fiscal year. It is anticipated that the bill will have an insignificant impact on the Division of Medical Quality Assurance trust fund related to the reduction in licensing fees.

2. Expenditures:

Department of Business and Professional Regulation

None. According to DBPR:²⁸

The bill will require the Division of Service Operations to identify the application of military spouses so that the application may be expedited for review. Once the application of the military spouse is reviewed and determined to meet the minimum requirements as set forth in the bill, a temporary license will be issued and identified by a modifier that will be created in Versa. The license modifier indicating that the license is temporary will be removed from the license once the permanent license is issued once the application is complete and determined to meet all license requirements.

This bill will require modification to the department's licensing system and online portal to create a modifier for a temporary license.

These modifications can be made by existing resources.

The impact to the division is minimal and can be accommodated with existing resources.

Department of Health

None. According to DOH:²⁹

The Division of Medical Quality Assurance will experience a non-recurring increase in workload and costs associated with updating the Licensing and Enforcement Information Database

²⁷ Florida Department of Health, Agency Analysis of 2022 HB 559, p. 4 (12/14/2021).

²⁸ Florida Department of Business and Professional Regulation, Agency Analysis of 2022 SB 562 (identical to 2022 HB 559), p. 5 (10/19/2021).

²⁹ Florida Department of Health, Agency Analysis of 2022 HB 559, p. 5 (12/14/2021).

System, Online Service Portal, Cognitive Virtual Agent, and armed services website to reflect changes to the licensing fees and requirements for a spouse of an active duty member of the Armed Forces of the United States. Current resources and budget authority are adequate to absorb.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the \$65 DOH licensure fee for a spouse of a member of the U.S. Armed Forces who is on active duty.³⁰

D. FISCAL COMMENTS:

The bill will have an indeterminate, negative fiscal impact on the affected agencies. The bill will reduce licensing revenues to DOH but the exact amount is indeterminate. The bill will also create a cost to DBPR and DOH to implement the provisions requiring expedited processing of licensure applications. The fiscal impacts to the state will depend on the number of people who take advantage of these provisions, although the agencies have provided preliminary fiscal analysis indicating indeterminate yet insignificant impacts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill removes the requirement for military spouse applicants for licensure by DOH to submit the required application fee. To implement, DOH provides that it “would be required to update the Military Spouse Temporary License application and associated rule to make nomenclature updates and remove the \$65 temporary licensure fee.”³¹ Current law appears to provide sufficient rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Based on the fact that DBPR already expeditiously issues licenses for military spouses, sometimes within 24 hours, the sponsor may not need to include DBPR in this bill because HB 29 (2018) made sufficient changes.

According to DOH:

³⁰ *Id.*

³¹ Florida Department of Health, Agency Analysis of 2022 HB 559, p. 3 (12/14/2021).

To implement, the Military Spouse Temporary License application... would be transitioned from a temporary license application to a full licensure application. It is the practice of DOH to expedite licensure for military spouses, as such, this component of the bill would not impact current operations.³²

The bill is unclear regarding incomplete applications and situations where supplemental documentation (e.g. transcripts, criminal history, prior license verification) is not yet received by the Department. It is the Department's practice to prioritize the processing of veterans and their spouses, and if the completed application and all supplemental information is received by the department, applications are processed in one day or less. As a result, the issuance of a temporary license would only occur if the applicant's application is deemed incomplete.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

³² *Id.*